

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

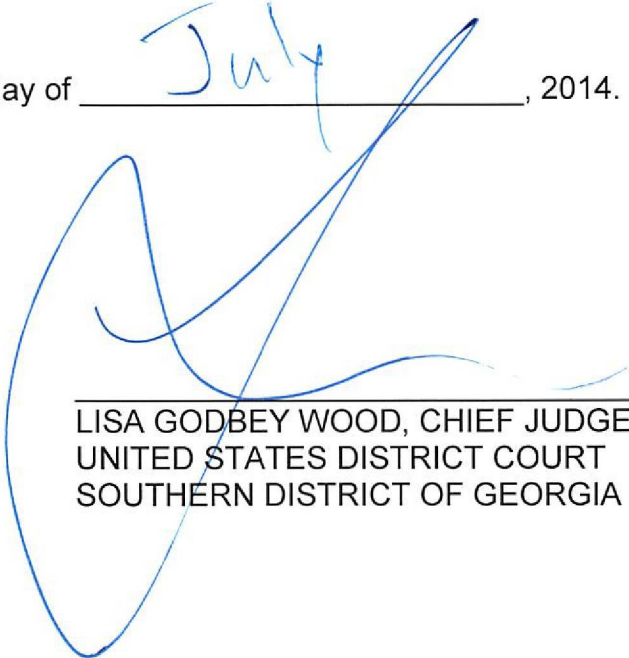
SEAF ROWE RHODEN,)	
)	
Petitioner,)	CIVIL ACTION NO.: CV513-070
)	
v.)	
)	
UNITED STATES OF AMERICA,)	(Case No.: CR511-018)
)	
Respondent.)	

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Movant Seaf Rhoden ("Rhoden") filed Objections. In his Objections, Rhoden finds fault with the Magistrate Judge's credibility determination. In addition, Rhoden asserts that he did not have a sufficient understanding of whether to instruct his counsel to file an appeal on his behalf. As the Magistrate Judge noted, however, he was entitled to make credibility determinations, as he was able to observe the witnesses and their demeanors during the evidentiary hearing. The Magistrate Judge found that the testimonies of Rhoden's attorney and the United States Probation Officer were more credible than that of Rhoden. Rhoden fails to offer an assertion which indicates that the undersigned should disturb the Magistrate Judge's credibility determinations. By extension, Rhoden's assertions regarding appeal issues are without merit.

Rhoden's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Rhoden's 28 U.S.C. § 2255 motion is **DENIED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 9 day of July, 2014.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA